



PATENT
P56533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jong-Seo CHOI, *et al.*

Serial No.: 09/964,375

Examiner: QUARTERMAN, Kevin J.

Filed: 28th September 2001

Art Unit: 2879

For: CATHODE FOR ELECTRON TUBE HAVING NEEDLE-SHAPED
CONDUCTIVE MATERIAL AND METHOD OF PREPARING THE CATHODE
(as amended)

PETITION UNDER 37 C.F.R. §1.313(c)(2)

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile: (571) 273-0025

Sir:

Pursuant to 37 C.F.R. §1.313(c)(2) and 37 CFR §1.97(a), Applicant respectfully petitions the Commissioner to withdraw the above-captioned Application from issue in order to enable the Examiner to consider Applicant's simultaneously filed Request for Continued Examination pursuant to 37 C.F.R. §1.114 and Applicant's Information Disclosure Statement filed simultaneously herewith.

12/05/2005 HALI11 00000162 09964375

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Folio: P56533

Date: December 2, 2005

I.D.: REB/ny

**CERTIFICATE OF FACSIMILE
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I hereby certify that, on December 2, 2005,
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571-273-0025)

Total 9 sheets

for


Robert E. Bushnell

Reg. No. 27,774

STATEMENT OF FACTS

1. Applicant subsequently timely paid the Issue Fee on the 3rd of October 2005.
2. Today Applicant is filing an Information Disclosure Statement, PTO-1449, one Patent reference from the People's Republic of China and a copy of the Chinese Office action issued on the 2nd of September 2005 in Applicant's co-pending Application No. 02124900.8 filed in the People's Republic of China on the 24th of June 2002, and consequently, the fee of \$180.00 is not incurred under 37 C.F.R. §1.97(c)(2) and §1.17(p).
3. Pursuant to 37 C.F.R. §1.313(c)(2), applicant is filing (i) this Petition To Withdrawal this Application from Issue under 37 C.F.R. §1.313(c)(2), (ii) the incurred fee under 37 CFR §1.17(h) of \$130.00, (iii) a Request for Continued Examination under 37 CFR §1.114(a)(1), (iv) the incurred fee under 37 CFR §1.17(e) of \$790.00, (v) the Information Disclosure Statement, and (vi) the Patent reference from the People's Republic of China cited in the Chinese Office action. A fee of \$920.00 (**Check #49986**) is today being filed in the Patent & Trademark Office together with the Petition and the Information Disclosure Statement.
4. Based upon the timeliness under 37 CFR §1.97(e)(1) of this filing of the accompanying Information Disclosure Statement and the Patent reference from the

People's Republic of China cited in the Chinese Office action issued on the 2nd of September 2005, together with Applicant's Request for Continued Examination under 37 CFR §1.114(a)(1), no fee pursuant to 37 C.F.R. §1.97(d)(2) and 37 C.F.R. §1.17(e) is believed to be due; should this fee be due however, the Director is authorized to charge Deposit Account No. 02-4943 and to so notify Applicant's undersigned attorney.

RELIEF REQUESTED

The Commissioner is therefore, respectfully requested to:

- A. Withdraw the above-captioned application from issue;
- B. Accept the accompanying Request for Continued Examination;
- C. Provide the Examiner with the complete copy of applicant's Information Disclosure Statement;
- D. Refund payment of applicant's Issue Fee;
- E. Allow the Examiner to consider the accompanying Information Disclosure Statement; and
- F. Grant such other and further relief as justice may require.

Respectfully submitted,



Robert E. Bushnell
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Registration No.: 27,774

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Enclosures: (i) this Petition To Withdrawal this Application from Issue under 37 C.F.R. §1.313(c)(2),
(ii) the incurred fee under 37 CFR §1.17(h) of \$130.00,
(iii) a Request for Continued Examination under 37 CFR §1.114(a)(1),
(iv) the incurred fee under 37 CFR §1.17(e) of \$790.00,
(v) the Information Disclosure Statement, and
(vi) the Patent reference from the People's Republic of China cited in the Chinese Office action.
(vii) Check #49986 in amount of \$920.00

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